

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Toth et al.	Examiner:	Schlientz, N. W.
Application No.:	10/800,291	Group Art Unit:	1616
Filed:	March 12, 2004	Docket No.:	14669.0064USU1
Title:	STABLE PHARMACEUTICAL COMPOSITIONS OF DESLORATADINE		

SUPPLEMENTAL RESPONSE

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Further to Applicants Response filed June 5, 2009, Applicants concurrently file a Declaration under 37 CFR 1.132 and respectfully request that the Examiner reconsider the patentability of the claims in view of the following:

Amendments to the Claims beginning on page 2 of this paper.

Remarks, which begin on page 8 of this paper.

Attachments include:

- (1) *Schering Corp. v. Geneva Pharmaceuticals, Inc.*, 339 F.3d 1373 (Fed. Cir. 2003).
- (2) EP 0 993 455 Opposition Proceedings dated 16 December 2006.